

Commercial Motor Vehicle

Enforcement Quarterly



Captain's Corner

In the last issue of the Commercial Vehicle Enforcement Quarterly I proudly reported that the ranks of the Motor Carrier Division had increased by 19 with the graduation of the 14th Motor Carrier Recruit School. Now, thanks to an early retirement program for state employees, I sadly report that by November 1, 2002, ten veterans of the Motor Carrier Division will have retired. We thank the following members for their many years of service and wish them a long and happy retirement:

Inspector Charles Culton - Motor Carrier Division Headquarters
 Lieutenant Dale Bourdeau - 2nd District - Northville
 Lieutenant James Charles - 6th District - Grand Rapids
 Sergeant Michael Seelman - Gaylord
 Investigator Steve Proctor - Owosso
 Investigator Dan Duguid - Traverse City
 Officer Orrie Smith - Lapeer
 Officer Kathy White - St. Ignace
 Vehicle Safety Inspector Frankie Lee - Grand Rapids
 Vehicle Safety Inspector John Richardson - Gaylord

Congratulations go to Motor Carrier Officer Steve Blankenship of the Detroit Post, this year's winner of Michigan's Inspector's Challenge. Steve's expertise in the area of commercial vehicle safety inspections is well recognized throughout Michigan.

During the two week period leading up to Labor Day, Michigan held a seat belt mobilization. When primary enforcement for seat belt violations became law in 2000, seat belt use in Michigan jumped to 83.5 percent. Since that time, belt use by Michigan motorists has gradually slipped to a current level of 80 percent. In an ongoing effort to reverse this trend, local, county, and state law enforcement officers all across Michigan have joined together to promote greater belt use through tougher enforcement. I want to emphasize that strict enforcement of seat belt laws should include drivers of commercial vehicles. Recent surveys show that young drivers (18-25) and drivers of light trucks are the biggest violators. I strongly encourage everyone involved in commercial vehicle enforcement to adopt a strict zero tolerance policy toward belt use. Everyone knows that belts save lives. What everyone needs to know is that seat belt use will be strictly enforced. It will make a difference.

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Designation of Roads

In the Michigan Vehicle Code, for both size and weight, the Legislature references "normal" roads and "designated" roads. The Legislature gave the jurisdiction that maintains each road the authority to "designate" it for larger, heavier vehicles, or to restrict it to "normal" vehicles.

For all state routes ("M" numbered routes), interstate highways ("US" numbered routes), and interstate freeways ("I" numbered routes), that authority rests with the Michigan Department of Transportation (MDOT). MDOT determines the most appropriate size and weight for that road based on the construction of the road. MDOT provides the designation for each road through a publication called the "MDOT Truck Operator's Map." This map shows all state and interstate routes in Michigan, and identifies each route's designation through a color-coding system. Truck Operator's Maps are available at state weigh stations, state police posts, and through their web site at www.michigan.gov/mdot.

For county, city, village, and township roads, it is up to the jurisdiction that has authority over that road. Generally speaking, that usually falls to the county road commission. Some larger cities designate roads within their city limits. Many county road commissions publish their own truck operator's map.

It is important to realize that references to "Class A" or "Class B" roads may or may not match the Vehicle Code's references to "normal" or "designated". That is, local jurisdictions may use these terms to mean different things. Prior to starting enforcement, officers should have a clear understanding of the terminology utilized by their jurisdiction.

Also, "designated" size and weight limits cannot be arbitrarily applied. The agency that has jurisdiction - state, county, or local - must pass a resolution or ordinance identifying the designation for each route. If a route has not been designated in such a manner, then "normal" size and weight restrictions apply.

Captain's Corner continued

Don't forget to submit an entry for the 2002 Michigan Association of Chiefs of Police Award for Excellence in Commercial Vehicle Safety. These awards, which include equipment prizes valued at \$6,000 per winner, recognizes law enforcement agencies who effectively promote commercial vehicle safety through aggressive and innovative education and enforcement programs. The deadline for entries is January 10, 2003. Information and entry forms will be mailed to all Michigan law enforcement agencies this fall and can also be found on the MACP web site: www.michiganpolicechiefs.org.

CDL Final Rule Toughens Penalties Against Unsatisfactory Drivers

by Tim Cotter, Director, FMCSA/Michigan Division

Continuing its efforts to improve the safety of trucks and buses, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) issued a final rule that significantly strengthens the licensing and sanctioning requirements of the commercial driver's license (CDL) program for truck and bus drivers required to hold a CDL. With this final rule, FMCSA intends to make the CDL program more effective in preventing dangerous truck and bus drivers from continuing to drive. The rule became effective September 30, 2002.

As a result of this final rule, FMCSA may now disqualify commercial motor vehicle (CMV) drivers who have been convicted of traffic violations while operating a passenger vehicle that result in their license being canceled, revoked or suspended, or of committing drug and alcohol-related offenses; driving a CMV after a CDL was revoked, suspended or canceled for operating a CMV; and causing a fatality through the negligent or criminal operation of a CMV.

The regulation expands the list of serious traffic violations to include drivers who fail to obtain a CDL, driving a CMV without a CDL in the driver's possession, and operating a CMV without the proper class of CMV being driven or type of cargo being transported.

The rule also prohibits a state from masking, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a CDL driver's conviction for any violation, in any type of motor vehicle, from appearing on the driver's record.

The final rule requires that applicants obtaining, transferring, or renewing a CDL to tell their state driver-licensing agency where they previously held motor vehicle licenses. This enables the issuing agency to obtain a candidate's complete driving record.

A new requirement in the rule creates a new endorsement. Applicants wanting to operate a school bus must pass knowledge and skills tests before receiving a CDL for that purpose.

The final rule can be found on the FMCSA home page at www.fmcsa.dot.gov.

Editor's Note: These changes must be codified into the Michigan Vehicle Code by the Michigan Legislature before officers can enforce them.

Fatal Truck Crashes

Depending upon which study you chose to cite, the driver of a passenger car, not the truck, causes approximately 70-80% of all truck-car crashes. Although the media seems to focus on “killer trucks,” in the vast majority of the cases, it’s the fault of the car driver. Cutting in front of trucks and driving in blind spots on the freeways, and pulling out in front of trucks at intersections seem to be some of the most common scenarios.

From 1998 to 2000, the Motor Carrier Division conducted a study known as the Fatal Accident Crash Team (FACT). Under this program, the MCD investigated every truck-car fatal crash that MCD became aware of. The program revealed some interesting information. According to the study, most truck-car crashes occur:

- * During daylight hours, particularly early morning (rush hour) and early afternoon (common time period for fatigue)
- * On two lane roads (NOT freeways)
- * On clear and dry pavement
- * In late summer and early fall
- * On Sunday and Wednesday
- * Within 50 miles of the carrier’s terminal
- * On familiar and regular routes
- * With an experienced, middle-aged truck driver (NOT the “young kids”).

The most common scenario of a truck-car crash during the study was that of the car drifting over into the oncoming lane of the truck and hitting it head on. Some truck drivers recounted how they “locked eyes” with the car driver in the last seconds before the crash, with neither able to get out of the way in time. Obviously, the loss of life and economic consequences of these crashes is concern for all of us.

The Motor Carrier Division is asking CMV enforcement officers to include traffic enforcement of cars operating around large trucks in their daily routine. While effective enforcement of CMV laws is certainly a part of obtaining the goal of highway safety, the high percentage of CMV fatal crashes with the car driver at fault cannot be ignored.

Michigan Truck Crash Statistics

	Total Crashes	Fatal Crashes	Injury Crashes	Property Damage	Killed	Injured
1997	19,962	144	4,108	15,710	176	5,878
1998	18,658	148	3,596	14,914	165	5,422
1999	20,814	147	3,941	16,726	165	5,612
2000	20,023	153	3,832	16,038	172	5,339

Source: MSP Office of Highway Safety Planning (OHSP)

Reminders

* While the requirement for interstate carriers to display their USDOT number has passed, officers are reminded that there is no requirement to remove the ICC number. The ICC number may remain on the vehicle, but the carrier is required to display the USDOT number.

* Occasionally, officers will encounter drivers holding a chauffeurs license and/or CDL who are in violation of Act 181/FMCSR age restrictions. It is important to remember that under Act 300, a person may legally obtain a license to operate certain CMVs at an age prohibited by Act 181/FMCSR. When these drivers are encountered, appropriate enforcement action should be taken under Act 181/FMCSR, but it is not illegal for the driver to have the license.

An excellent example is a chauffeur license issued to a 16-year-old driver. The 16-year-old with a chauffeur license is legal in vehicles less than 10,000 lbs., so SOS must issue the license. However, if the driver chooses to operate a vehicle over 10,000 lbs., he/she is now in violation of the Age Restriction in Act 181 and enforcement action should be taken.

* USDOT numbers are issued in chronological order to carriers. That is, in the order that the application is received. USDOT numbers recently passed the one million mark, so officers may begin to see seven digit USDOT numbers.

* Extension to the Front: SB 1094 recently amended Section 257.720. It added a new subsection (9), which states:

“A person shall not driver or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This subsection does not apply to a vehicle designed to be used or being used to transport agricultural commodities, to a vehicle en route to a repair facility, or to a vehicle engaged in construction activity. As used in this subsection, “agrifutlural commodities” means that term as defined in section 722.”

CDLs and IRP

Commercial Driver License (CDL)

The USDOT/Federal Motor Carrier Safety Administration (FMCSA) passed a rule increasing the penalties for violations of railroad crossing by CDL holders. The Michigan Secretary of State took the opportunity to bring Michigan's CDL requirements into line with those of FMCSA.

Effective October 1, 2002:

- SOS, police officers and courts are now required to immediately destroy any suspended or revoked license (257.321b).
- The definition of "commercial motor vehicle" in the Vehicle Code has been changed to reflect the new CDL thresholds (257.7a).
- Trucking company employers are now prohibited from knowingly allowing a driver to violate any state or federal railroad crossing statute (257.319g).
- SOS must immediately suspend the CDL of a driver convicted of railroad crossing violations.
- SOS must check the National Driver Register or the CDL Information System (CDLIS) when it receives an application for a CDL.
- License applicants must now supply a birth certificate or other sufficient documents to verify age.
- SOS must suspend for life the HM endorsement of any CDL holder who has been identified as a security risk under the USA Patriot Act.
- The term "school transportation vehicle" has been removed from the definition of "chauffeur."

The new CDL thresholds are:

- **Group A:** Required for a vehicle with a gross combination weight rating of 26,001 lbs. or more, that includes a towed vehicle with a gross vehicle weight rating (GVWR) of more than 10,000 lbs. That is the trailer must exceed 10,000 lbs. GVWR and the GVWR of the combination must exceed 26,000 lbs.
- **Group B:** Required for a single vehicle with a GVWR of over 26,000 lbs., with or without a trailer having a GVWR of less than 10,000 lbs. This group only examines the power unit. It may tow a trailer of less than 10,000 lbs., but the trailer GVWR is **not** figured into the combination. Example: A power unit of 25,000 lbs. GVWR towing a trailer of 9,900 lbs. GVWR **no longer needs a CDL**.
- **Group C:** No changes. Applies to vehicles with a GVWR of less than 26,000 lbs., but transporting hazardous materials in an amount that requires placarding, or vehicles designed to transport 16 people or more, including the driver.

Knowledgeable CMV officers will quickly realize that the new CDL thresholds exclude a number of vehicles that previously had to have CDLs in Michigan. These new standards mirror the USDOT requirements.

International Registration Plan (IRP)

Regarding IRP plates, the International Registration Plan, Inc. is the agency that administers the IRP system between the member jurisdictions. The corporation has recently sanctioned the

Oklahoma Tax Commission for failing to amend Oklahoma's rules regarding an "established place of business."

For some time now, Oklahoma has been allowing motor carriers to use post office boxes as proof of an established business. This allows carriers to purchase IRP base plates in Oklahoma without ever actually going to Oklahoma. As Oklahoma's plate fees are much cheaper, motor carriers save a significant amount of money.

The IRP, Inc. held a hearing on a complaint from Illinois against Oklahoma, and found in Illinois' favor. Oklahoma's lax rules inflicted economic harm on Illinois, to the tune of \$15 million. A former Oklahoma Tax Commission employee admitted that he cheated Oklahoma out of \$100,000 in registration fees that he split with another employee. A grand jury indicted another former Oklahoma Tax Commission employee for threatening to kill a witness in the investigation.

The Motor Carrier Division has been working with the Department of Treasury and the Secretary of State to investigate Michigan carriers who have become involved in this scheme. At issue is millions of dollars in registration plate fees and unpaid sales taxes on vehicles.

Contact your local Motor Carrier Officer should you have any concerns about a Michigan carrier using Oklahoma IRP plates.